

**ENERGY COMMISSION (ENERGY EFFICIENCY STANDARDS
AND LABELLING) (VENTILATING FANS)
REGULATIONS, 2022**

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IN exercise of the power conferred on the Minister responsible for Energy by subparagraph (i) of paragraph (a) of subsection (1) of section 56 of the Energy Commission Act, 1997 (Act 541) and on the advice of the Board, these Regulations are made this 28th day of June, 2022.

Preliminary Provisions

Purpose of Regulations

1. The purpose of these Regulations is to promote the efficient use and conservation of energy in the country and mitigate related climate change by

- (a) providing for
 - (i) the enforcement of Standards set out in the First Schedule and the minimum energy performance standards set out in Part One of the Second Schedule;
 - (ii) the labelling of electric mains-operated ventilating fans;
 - (iii) supplementary product information on electric mains-operated ventilating fans; and
 - (iv) the registration of models of ventilating fans in the Appliance Energy Efficiency Register; and
- (b) prohibiting the manufacture, importation, offer for sale, sale, storage, donation, disposal, installation or use of a ventilating fan that does not meet the minimum energy performance standards set out in Part One of the Second Schedule.

Application of Regulations

2. (1) These Regulations apply to a ventilating fan or unit with an individual fan electric power input of less than 125 W manufactured in the country or imported into the country for display, sale or use.

- (2) These Regulations do not apply to a ventilating fan which
 - (a) is unidirectional with an electric power input of less than 30 W;
 - (b) is exclusively specified as operating in a potentially explosive atmosphere;

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- (c) is exclusively specified as operating for emergency use, for short periods of time and which complies with the basic requirements for construction work with regard to safety in case of fire;
- (d) is exclusively specified as operating
 - (i) where operating temperatures of the air being moved exceed 100 °C;
 - (ii) where the operating ambient temperature for the motor, if located outside the air stream, driving the fan exceeds 65 °C;
 - (iii) where the temperature of the air being moved or the operating ambient temperature for the motor, if located outside the air stream, is lower than – 40 °C;
 - (iv) where the supply voltage exceeds 1 000 V AC or 1 500 V DC; or
 - (v) in toxic, highly corrosive or flammable environments or in environments with abrasive substances;
- (e) includes a heat exchanger and a heat pump for heat recovery, or allows heat transfer or extraction in addition to heat transfer or extraction of the heat recovery system, except heat transfer for frost protection or defrosting; and
- (f) is classified as a range hood.

Duties and Requirements

Duty to comply with requirements

3. (1) A person who manufactures, imports, offers for sale, sells, stores, supplies, distributes, donates or otherwise disposes of a ventilating fan for use in the country shall ensure that each model of the ventilating fan

- (a) is registered with the Commission; and
- (b) meets the
 - (i) Standards set out in the First Schedule;
 - (ii) minimum energy performance standards set out in Part One of the Second Schedule;

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- (iii) labelling requirements set out in the Third Schedule; and
- (iv) information requirements set out in the Fourth Schedule.

(2) A person who advertises a ventilating fan shall comply with the provisions of Part Five of the Fourth Schedule.

Prohibition of manufacture, importation, offer for sale, sale, storage, donation, disposal, installation or use of ventilating fan

4. (1) A person shall not manufacture, import, offer for sale, sell, store, donate, or otherwise dispose of, install or use a ventilating fan in the country unless the ventilating fan

- (a) has the minimum energy performance standards set out in Part One of the Second Schedule; and
- (b) meets the requirements
 - (i) set out in the Second Schedule; and
 - (ii) of the Standards.

(2) An enforcement authority shall

- (a) detain, cause to be re-exported or seize and destroy a ventilating fan imported for use in the country contrary to subregulation (1); or
- (b) seize and destroy a ventilating fan manufactured for use in the country contrary to subregulation (1).

Category of ventilating fan

5. The category of a ventilating fan shall be determined in accordance with the categories set out in Part Two of the Fourth Schedule.

Service value of ventilating fan

6. The service value of a ventilating fan and other energy related parameters shall be determined in accordance with the methods and procedures specified in Part One of the Second Schedule.

Voltage, input power or wattage of ventilating fan

7. The manufacturer of a ventilating fan shall ensure that the rated voltage, input power or wattage of the ventilating fan is printed conspicuously and displayed on the base of the ventilating fan.

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Measurement methods

8. The information to be provided pursuant to regulations 10 and 11 shall be obtained by

(a) a reliable, accurate and reproducible measurement which takes into account recognised state-of-the-art measurements; and

(b) calculation methods

in accordance with the Standards and Part Two of the Second Schedule.

Use of circumvention device

9. (1) A manufacturer, an importer or an authorised representative of the manufacturer shall not use a circumvention device during the conduct of a test of a ventilating fan.

(2) A person shall not manufacture, import, offer for sale, sell, store, donate, or otherwise dispose of, install or use a ventilating fan which is designed to

(a) detect that the ventilating fan is being tested by recognising the test conditions or test cycle; or

(b) react specifically by automatically altering the performance of the ventilating fan during the test with the aim of reaching a more favourable level for any of the parameters declared by the manufacturer, importer or authorised representative of the manufacturer, in the technical documentation or included in any other documentation provided.

(3) The energy consumption of a ventilating fan and any of the other declared parameters shall not deteriorate after a

(a) software; or

(b) firmware

update, when measured with the same test standard originally used for the declaration of conformity, except with the consent of the Commission and the Standards Authority, before the update.

(4) A manufacturer, an importer or an authorised representative of the manufacturer shall inform the Commission and the Standards Authority in writing, with reasons, prior to an update of the software or firmware.

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Technical documentation

10. (1) A person shall not manufacture, import, offer for sale, sell, store, distribute, donate or otherwise dispose of a ventilating fan for use in the country, unless that person has provided the Commission with sufficient technical documentation to enable the Commission

- (a) ascertain the accuracy of the information contained
 - (i) in the Product Information Sheet; or
 - (ii) on the label; and
- (b) register each model of the ventilating fan in the Appliance Energy Efficiency Register.

(2) The technical documentation referred to in subregulation (1) shall

- (a) be in the English language;
- (b) include the Product Information Sheet set out in Part One of the Fourth Schedule; and
- (c) contain the information set out in Part Three of the Fourth Schedule marked "Technical Documentation".

(3) The technical documentation shall

- (a) be prepared for each model of a ventilating fan placed on the market; and
- (b) include
 - (i) the name and address of the supplier;
 - (ii) the description of the ventilating fan, for purposes of identification;
 - (iii) the model identifier of the manufacturer;
 - (iv) the relevant drawings on the main design features of the model and parameters of the ventilating fan that affect the energy consumption of the ventilating fan;
 - (v) reports of relevant measurement tests carried out in compliance with the Standards;
 - (vi) details of calculations, extrapolations and tests carried out to verify the accuracy of calculations;
 - (vii) the installation and operating instructions; and

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- (viii) the period within which the model of the ventilating fan was manufactured.

Labelling and information requirements

11. (1) A person shall not manufacture, import, offer for sale, sell, store, supply, distribute, donate or otherwise dispose of a ventilating fan for use in the country unless the ventilating fan and the packaging of the ventilating fan meet the following requirements:

- (a) the ventilating fan shall bear a label
 - (i) in the form set out in the Third Schedule; and
 - (ii) placed on the ventilating fan;
- (b) the information in respect of the ventilating fan indicated on the packaging of the ventilating fan shall be in the English language;
- (c) the Product Information Sheet in respect of the ventilating fan shall be as set out in Part One of the Fourth Schedule;
- (d) the label on the packaging containing the ventilating fan shall
 - (i) contain the information set out in the Third Schedule; and
 - (ii) be printed in colour;
- (e) the labels on the ventilating fan and the packaging of the ventilating fan shall include the following information:
 - (i) the Quick Response Code;
 - (ii) the name or trade mark of the manufacturer;
 - (iii) the model identifier of the manufacturer;
 - (iv) the service value of the ventilating fan measured in accordance with Part One of the Second Schedule;
 - (v) the type of ventilating fan;
 - (vi) the input power or wattage of the ventilating fan, measured in accordance with the test procedures specified in the Standards;
 - (vii) the air delivery rate of the ventilating fan measured in accordance with Part Two of the Second Schedule;
 - (viii) the year of manufacture; and
 - (ix) the country of origin or manufacture;

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- (f) the label on the ventilating fan shall be printed in colour on a waterproof material and pasted conspicuously on the ventilating fan;
- (g) the background of a label printed or pasted on each packaging containing the ventilating fan shall be gold in colour; and
- (h) the text on the label of the ventilating fan shall be black in colour.

(2) Despite regulation 21, an update to the Standards shall take precedence over the requirements specified in paragraph (e) of subregulation (1) and Part Two of the Second Schedule.

(3) Where

- (a) a side of the packaging is not large enough to contain a label and the blank border; or
- (b) a label would cover more than fifty per cent of the surface area of the largest side of a packaging,

the label and the blank border shall be reduced to not less than forty per cent of the largest side of the packaging and pasted on the largest side of the packaging.

(4) A person shall not remove the label on a ventilating fan or the packaging containing a ventilating fan before the first retail purchase of the ventilating fan.

(5) For the purposes of this regulation, “first retail purchase” means the purchase of a ventilating fan by an end user.

Registration of Ventilating Fans

Appliance Energy Efficiency Register

12. (1) The Commission shall establish, keep and maintain an Appliance Energy Efficiency Register.

(2) The Appliance Energy Efficiency Register shall contain the information specified in subregulation (5) of regulation 13.

Application for registration

13. (1) A person who

- (a) manufactures a ventilating fan in the country; or

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(b) imports a ventilating fan into the country for use in the country shall, prior to the manufacture or importation, ensure that each model of the ventilating fan is registered with the Commission.

(2) A person who

(a) manufactures a ventilating fan in the country; or

(b) imports a ventilating fan into the country

for use in the country shall apply to the Commission for registration of the ventilating fan.

(3) An application for registration under subregulation (2) shall be made in writing or electronically on the website of the Commission and accompanied with the prescribed fee.

(4) An application for registration shall be accompanied with a test report from an accredited test laboratory that demonstrates that

(a) the ventilating fan meets the minimum energy performance standards set out in the Second Schedule; and

(b) the test report corresponds to the energy consumption that is provided on the energy efficiency label of the ventilating fan.

(5) The following information shall be provided for each registration of a model of a ventilating fan:

(a) the brand or trademark, if any, used in connection with a supply of the model;

(b) the model identifier issued by the manufacturer for each model covered by the registration;

(c) the Product Information Sheet of the model;

(d) the date the registration takes effect;

(e) a unique identifier for the registration issued by the Commission;

(f) the names and contact details of the applicant and contact person in relation to the registration;

(g) if the model is to be registered as a replacement model of an earlier registered model, that fact and details to identify the replaced model, including the date the replacement was made;

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- (h) if a model to be registered is affected by a replacement, that fact and details to identify the replaced model and replacement model, including the date the replacement was made;
- (i) any information specified in these Regulations in relation to that model of ventilating fan; and
- (j) any other information the Commission may consider appropriate.

Consideration of application

14. (1) The Commission shall, on receipt of an application for registration of a ventilating fan, consider the application.

(2) The Commission shall, in considering the application have regard to the requirements specified in subregulation (5) of regulation 13.

Grant of application

15. (1) The Commission may, within fourteen days after receipt of an application, grant or refuse an application.

(2) Where the Commission decides to grant an application, the Commission shall

- (a) within three days after the date of the decision, inform the applicant, in writing or electronically as the case may be, of the decision; and
- (b) enter the information specified in subregulation (5) of regulation 13 in the Appliance Energy Efficiency Register.

(3) Where the Commission refuses to grant an application, the Commission shall within three days after the date of the decision communicate to the applicant, in writing or electronically as the case may be,

- (a) the reason for the refusal; and
- (b) the applicable Standards the model of the ventilating fan is required to meet.

Duties of Dealers and Suppliers of Ventilating Fans

Duty of dealer to keep, maintain and provide technical documentation

16. (1) A dealer shall keep and maintain technical documentation in respect of a ventilating fan for a period of not less than two years after the date of manufacture or importation.

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(2) A dealer shall, within two days after a request by an enforcement authority, provide the enforcement authority with technical documentation in respect of a ventilating fan for inspection.

(3) Where a dealer fails to provide technical documentation in respect of a ventilating fan within two days after the request, the enforcement authority shall detain the ventilating fan.

(4) A dealer shall ensure that

- (a) each ventilating fan, at the point of sale, including at trade fairs, bears the label provided by a supplier in accordance with regulation 3, with the label being displayed conspicuously;
- (b) in the event of distance selling, the label and Product Information Sheet are provided in accordance with the Third and Fourth Schedules;
- (c) an audio advertisement, including radio and local information broadcast network, on a specific model of a ventilating fan where the brand, size, category or price is mentioned, contains information on the range of service value of the models available in accordance with Part Five of the Fourth Schedule;
- (d) a visual advertisement for a specific model of ventilating fan, including an advertisement on the internet contains the range of service value of the models available on the label, in accordance with Part Five of the Fourth Schedule; and
- (e) a technical promotional material concerning a specific model of ventilating fan, including technical promotional material on the internet, which describes the specific technical parameters of the ventilating fan includes
 - (i) the service value of the model; and
 - (ii) the range of service value of the models available on the label

in accordance with Part Five of the Fourth Schedule.

Duty of supplier to keep, maintain and provide technical documentation

17. (1) A supplier shall keep and maintain technical documentation in respect of each model of a ventilating fan for a period of not less than two years after the date of manufacture or importation.

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(2) A supplier shall, on request by an enforcement authority, provide the enforcement authority with the technical documentation of the ventilating fan for inspection.

(3) Where a supplier fails to provide technical documentation in respect of a ventilating fan within two days after the request, the enforcement authority shall detain the ventilating fan.

Duty of supplier to keep, maintain and provide Product Information Sheet

18. (1) A supplier shall keep and maintain in the possession of the supplier a Product Information Sheet in respect of each ventilating fan in the form set out in Part One of the Fourth Schedule.

(2) A supplier shall, on request by an enforcement authority, provide the enforcement authority with a Product Information Sheet which shall be in the

- (a) English language; and
- (b) form set out in Part One of the Fourth Schedule.

Duty of supplier to provide information for statistical purposes

19. (1) A person who manufactures in the country, imports into the country or exports out of the country a ventilating fan or an assembly of components that incorporates a ventilating fan shall provide the Commission with the following information not later than four months after the end of each year:

- (a) the number of ventilating fans of each model that the person manufactured, exported or imported into the country in the relevant year;
- (b) the number of ventilating fans of each model that the person sold in the country in the relevant year;
- (c) the number of ventilating fans of each model that the person exported from the country in the relevant year;
- (d) the name of each model that the person discontinued
 - (i) manufacturing in the relevant year;
 - (ii) exporting in the relevant year; or
 - (iii) importing in the relevant year; and
- (e) a copy of any existing test report, or other energy performance data specified by the Commission, for each model specified under paragraph (d).

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(2) Upon a written request by the Commission, a person who manufactures a ventilating fan for use in the country or imports a ventilating fan into the country shall provide the following information to the Commission not later than forty days after receiving the request:

- (a) the number of ventilating fans in each product class specified by the Commission that the person sold to a purchaser in the country in each of the preceding three years; and
- (b) the energy performance characteristics of the ventilating fans as specified in the request.

Duty of supplier to ensure accuracy of information

20. (1) A supplier shall ensure that the information indicated on a

- (a) Product Information Sheet; or
- (b) label

in respect of a ventilating fan is accurate.

(2) The duty imposed on a supplier under subregulation (1) does not affect any other right of action which a person may have by law against a person with respect to the inaccuracy of information on a Product Information Sheet or on a label.

Access to information on technical documentation and Product Information Sheet

21. (1) The information required under regulations 10, 11, 16, 17 and 18 shall be obtained in accordance with the test procedures required by the Standards.

(2) Information obtained in a manner other than in accordance with subregulation (1) shall, for the purposes of these Regulations, be invalid.

Product brochure in respect of ventilating fan

22. Where a supplier provides a product brochure in respect of a ventilating fan, the brochure shall contain a Product Information Sheet which shall be in the

- (a) English language; and
- (b) form set out in Part One of the Fourth Schedule.

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Information

Public information

23. (1) The information provided by a supplier on the Product Information Sheet or on a label of a ventilating fan is deemed public information.

(2) A supplier is deemed to have consented to the publication of the information indicated on a Product Information Sheet or on a label in respect of a ventilating fan.

Information in respect of mail order and other distance selling

24. (1) Where a person offers a ventilating fan for sale to another person in the country through a medium of communication including a mail order or any other distance selling medium, that person shall provide information in respect of the ventilating fan.

(2) The information referred to in subregulation (1) shall

- (a) be in the English language;
- (b) include the product registration number assigned by the Commission upon registration in the Appliance Energy Efficiency Register;
- (c) include the information set out in Part Four of the Fourth Schedule; and
- (d) be written in a manner that is legible.

Obligations of audio or audio-visual broadcasting service provider

25. Where an audio or audio-visual broadcasting service provider advertises a ventilating fan, and the information in the advertisement includes the brand, model, size, price and any other information that is specific to a particular model, that service provider shall ensure that

- (a) the advertisement has been vetted and approved by the Commission; and
- (b) the advertisement includes
 - (i) information on the energy performance standard of the ventilating fan;
 - (ii) a statement that the advertisement has been vetted and approved by the Commission; and

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- (iii) any other information required under Part Five of the Fourth Schedule.

Obligations of e-commerce platform

26. (1) A person shall not offer for sale, sell, supply, distribute or otherwise dispose of a ventilating fan through a promotion on the internet unless

- (a) the minimum energy performance of the ventilating fan is posted next to the price of the ventilating fan; and
(b) the label of the ventilating fan is made available to consumers in the same medium of communication.

(2) Where an e-commerce service provider allows the direct sale of a ventilating fan through the website of the service provider, the service provider shall

- (a) enable the display of the
(i) electronic label; and
(ii) electronic Product Information Sheet provided by the dealer on the display mechanism in accordance with Part Six of the Fourth Schedule; and
(b) inform the dealer of the obligation to display the electronic label and electronic Product Information Sheet.

Misleading information

27. (1) A person shall not display a label, mark, symbol or inscription which relates to the energy consumption of a ventilating fan, if the display is likely to be

- (a) deceptive;
(b) misleading; or
(c) false.

(2) A person shall not broadcast an advertisement relating to the energy performance of a ventilating fan if the information in the advertisement is likely to be

- (a) deceptive;
(b) misleading; or
(c) false.

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(3) Subregulations (1) and (2) do not apply to

- (a) a label;
- (b) a mark;
- (c) a symbol; or
- (d) an inscription

displayed under an environmental labelling scheme or endorsement labelling scheme.

Restriction on disclosure of information

28. (1) An enforcement authority shall not disclose information which consists of a

- (a) secret manufacturing process; or
- (b) trade secret

that was obtained by that enforcement authority in the course of the exercise of a power or duty conferred on the enforcement authority by these Regulations.

(2) Despite subregulation (1), an enforcement authority may disclose information if

- (a) the information is public information; or
- (b) the disclosure is made
 - (i) for the purpose of facilitating the exercise of power by an enforcement authority under these Regulations or any other enactment;
 - (ii) in connection with the investigation of an offence; or
 - (iii) for the purpose of a civil or criminal proceeding.

Powers of Enforcement

Power of enforcement authority to require technical documentation

29. Where an enforcement authority suspects that the information given

- (a) in a Product Information Sheet; or
- (b) on a label,

in respect of a ventilating fan is incorrect, that enforcement authority may, by notice served on the supplier or importer of the ventilating fan, require the supplier or importer to furnish the enforcement authority with

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the technical documentation referred to in regulation 10 within the period stipulated in the notice.

Power of enforcement authority to inspect ventilating fan

30. An enforcement authority may, at any reasonable time, enter any premises to inspect a ventilating fan if the enforcement authority has reason to believe that the premises are being used for a purpose in contravention of these Regulations.

Power of enforcement authority to detain or seize record or ventilating fan

31. (1) Subject to these Regulations, where an enforcement authority has reasonable cause to suspect that an offence has been committed or is being committed, that enforcement authority may

- (a) at any reasonable time enter premises other than a dwelling place, and conduct an inspection in accordance with subsection (3) of section 52 of the Act;
- (b) require a person engaged in a business or employed in connection with a business to produce a record in respect of a ventilating fan;
- (c) detain or seize a ventilating fan that is
 - (i) not labelled;
 - (ii) not properly labelled; or
 - (iii) labelled in a deceptive or misleading manner;
- (d) detain or seize a ventilating fan that is imported without technical documentation which justifies the label affixed on the ventilating fan;
- (e) detain or seize a ventilating fan to enable tests to be carried out;
- (f) detain or seize a record to be used as evidence in proceedings in respect of an offence under these Regulations;
- (g) cause a container to be opened for the purpose of inspection;
- (h) break open a container, where implementation of paragraph (g) is not practicable; or
- (i) detain or seize a ventilating fan if the model is not registered in the Appliance Energy Efficiency Register.

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(2) For the purposes of paragraphs (b) and (f) of subregulation (1), the enforcement authority may request for information stored electronically to be made available to the enforcement authority in printed form.

Power of enforcement authority to test ventilating fan

32. (1) An enforcement authority may

- (a) obtain, remove and test a ventilating fan; or
- (b) order the testing of a ventilating fan

to ascertain whether a provision of these Regulations has been contravened.

(2) A person who suspects that a ventilating fan offered for sale does not comply with the provisions of these Regulations may lodge a complaint with an enforcement authority.

(3) The enforcement authority may, upon receipt of a complaint under subregulation (2), detain and test the ventilating fan.

(4) The test to be conducted in respect of a ventilating fan purchased, obtained or detained under regulation 31 shall be carried out in accordance with the test procedures required by the Standards.

Detention, Re-Exportation and Seizure

Procedure for market surveillance and verification

33. (1) Despite regulation 32, the Commission and the Standards Authority shall conduct market surveillance to ascertain whether a ventilating fan on the market conforms to these Regulations.

(2) The Commission and the Standards Authority shall apply the verification procedure specified in the Fifth Schedule to conduct the market surveillance.

Order to access premises to inspect, detain or seize ventilating fan or record

34. Where

- (a) an enforcement authority is refused entry to premises;
- (b) a notification to enter premises would defeat the purpose of the entry;
- (c) the premises to be entered are unoccupied; or
- (d) the occupier of premises to be entered is temporarily absent,

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the enforcement authority may apply to a court for an order to enter the premises to inspect, detain or seize a ventilating fan or record, if the enforcement authority has reasonable grounds to believe that a ventilating fan or record on the premises may assist in the disclosure of evidence of the commission of an offence under these Regulations.

Procedure for detention of ventilating fan

35. (1) An enforcement authority that exercises a power of detention under these Regulations shall, immediately give a written notice to the person against whom the power has been exercised.

(2) The written notice shall state

- (a) the ventilating fan that has been detained; and
- (b) the reason for the detention.

(3) Where an enforcement authority detains a ventilating fan, that ventilating fan may be kept in a warehouse or other secure location reserved for the purpose.

Procedure for re-labelling of detained ventilating fan

36. (1) Subject to these Regulations, where an enforcement authority detains a ventilating fan under paragraph (e) of subregulation (1) of regulation 31, the enforcement authority shall

- (a) within two days after the detention, submit a sample of the ventilating fan for testing; and
- (b) within two days after receipt of the test results, give a notice in writing to the supplier of the ventilating fan to properly label the ventilating fan if the minimum energy performance standards have been complied with.

(2) The notice under paragraph (b) of subregulation (1) shall require a ventilating fan to be re-labelled in the required manner or exported out of the country within twenty-eight days.

(3) Where a supplier is required under subregulation (2), to re-label a ventilating fan, the supplier shall re-label the ventilating fan under the supervision of an officer authorised for the purpose by the Commission or the Standards Authority.

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- (4) Where a supplier fails to
- (a) re-label the ventilating fan; or
 - (b) export the ventilating fan

within twenty-eight days after the notice given under paragraph (b) of subregulation (1), the Commission shall, in consultation with the Standards Authority, destroy the ventilating fan in a manner that the Commission may determine.

Procedure for re-exportation of imported ventilating fan

37. (1) An enforcement authority that exercises a power of detention or seizure under these Regulations shall, within seven days after the detention or seizure, give an order in writing to the person against whom the power has been exercised to re-export the ventilating fan.

- (2) The order referred to in subregulation (1) shall state
- (a) the ventilating fan to be re-exported;
 - (b) the reason for the order;
 - (c) the period within which the ventilating fan is to be re-exported; and
 - (d) the fact that the supplier shall be responsible for the cost associated with the re-export.

(3) Where a ventilating fan is kept within premises that are under the control of the owner of the ventilating fan, the owner shall pay a security deposit against any breach of the re-exportation order.

(4) A security deposit under subregulation (3) shall be forfeited in the event of a breach of the re-exportation order, including the sale or destruction of a ventilating fan which has been ordered to be re-exported.

(5) Where a person fails to pay a security deposit imposed under subregulation (3), the Commission may recover the amount imposed as a civil debt.

Procedure for seizure of ventilating fan

38. (1) An enforcement authority that exercises a power of seizure under these Regulations shall, within seven days after the seizure, give a written notice to the person against whom the power has been exercised.

- (2) The written notice under subregulation (1) shall state
- (a) the ventilating fan that has been seized;

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- (b) the reason for the seizure; and
- (c) the venue and the period within which a petition against the seizure may be brought under regulation 39.

(3) Where an enforcement authority seizes a ventilating fan, that ventilating fan may be kept in a warehouse or other secure location reserved for the purpose.

(4) The owner of the ventilating fan may be required to pay a deposit to cover the cost of destruction, if the ventilating fan does not meet the minimum energy performance standards.

(5) Where a ventilating fan is kept within premises that are under the control of the owner of the ventilating fan, the owner shall pay a security deposit against any breach of the seizure order.

(6) A security deposit under subregulation (5) shall be forfeited in the event of a breach of the seizure order, including the sale or destruction of a ventilating fan which has been seized.

(7) Where a person fails to pay a security deposit imposed under subregulation (5), the Commission may recover the amount imposed as a civil debt.

Petition and Compensation

Petition against seizure

39. (1) Subject to these Regulations, a person whose ventilating fan is seized may, within seven days after receipt of the written notice specified in subregulation (1) of regulation 38, petition the Executive Secretary for the release of the seized ventilating fan.

(2) The Executive Secretary shall, within seven days after the receipt of a petition under subregulation (1),

- (a) confirm the seizure; or
- (b) order the release of the seized ventilating fan to the petitioner on a specific day.

(3) A person who is dissatisfied with a decision of the Executive Secretary under subregulation (2) may appeal to the Board within seven days after the receipt of the decision.

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(4) The Board shall within thirty days after the receipt of an appeal under subregulation (3)

- (a) consult the Standards Authority; and
- (b) take a decision on the appeal.

(5) The Board may release the seized ventilating fan to the petitioner only if the Commission and the Standards Authority fail to prove that an offence under these Regulations has been committed.

(6) A person who is dissatisfied with

- (a) a decision of the Board under subregulation (4) may, within fourteen days after the decision; or
- (b) the failure of the Board to make a decision within thirty days after receipt of the appeal may, within fourteen days after the failure

apply to the court.

Forfeiture and destruction of seized ventilating fan

40. (1) Where an appeal to the Board under subregulation (3) of regulation 39 is not successful, the enforcement authority shall, within twenty-eight days after the decision of the Board, notify the owner of the ventilating fan of the forfeiture and date of destruction of the seized ventilating fan.

(2) The Commission may, in consultation with the Standards Authority, destroy a forfeited ventilating fan in a manner that the Commission may determine.

(3) Where under subregulation (6) of regulation 39, the court upholds or affirms the decision of the Board to forfeit and destroy the ventilating fan, the Commission shall destroy the ventilating fan within the period given by the court.

Compensation for loss of ventilating fan or record seized

41. (1) Where an enforcement authority exercises power under these Regulations to seize a ventilating fan or record, that enforcement authority is liable to pay compensation to the owner of the ventilating fan or record for any loss or damage caused by the exercise of the power, if

- (a) these Regulations have not been contravened in relation to the ventilating fan or record; and

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(b) the loss or damage is not attributable to the neglect or the fault of the owner but an official of the Commission.

(2) Paragraph (b) of subregulation (1) does not apply in a case of *force majeure*.

(3) The compensation payable under subregulation (1) for a loss or damage shall not exceed the value of the ventilating fan or record.

(4) A dispute as to the

(a) right to compensation; or

(b) amount of compensation payable to a person under subregulation (1),

shall be determined in the first instance by arbitration in accordance with the Alternative Dispute Resolution Act, 2010 (Act 798).

Recovery of expenses by enforcement authority

42. (1) Where an enforcement authority

(a) seizes,

(b) tests, or

(c) supervises the re-labelling or destruction of

a ventilating fan, that enforcement authority may surcharge the dealer or supplier of the ventilating fan for the expenses incurred for the seizure, testing or supervision.

(2) Despite subregulation (1), where a court convicts a person of an offence in respect of the contravention of a provision of these Regulations, the court may, in addition to any order that the court may make as to costs and expenses, order the person convicted to reimburse the enforcement authority for the expenditure incurred by the enforcement authority in connection with the seizure.

Miscellaneous Provisions

Offences and penalties

43. (1) A person who

(a) manufactures, imports, offers for sale, sells, stores, advertises, distributes, or otherwise disposes of a ventilating fan that

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- (i) does not meet a requirement in respect of the minimum energy performance standards contrary to regulation 3;
 - (ii) is not accompanied by the required technical documentation contrary to regulation 10;
 - (iii) is not labelled or properly labelled contrary to regulation 11; or
 - (iv) is labelled in a deceptive or misleading manner contrary to regulation 27;
- (b) uses a circumvention device contrary to regulation 9;
- (c) fails to comply with a labelling requirement contrary to regulation 11;
- (d) fails to provide technical documentation contrary to regulation 10, 16 or 17;
- (e) fails to register a model of ventilating fan contrary to regulation 13;
- (f) fails to provide a Product Information Sheet contrary to regulation 18;
- (g) fails to provide information on a ventilating fan contrary to regulation 19;
- (h) provides inaccurate information contrary to regulation 20;
- (i) advertises a ventilating fan without providing accurate information on the energy performance standard of the ventilating fan contrary to regulation 25;
- (j) offers for sale or sells a ventilating fan over the internet or other distance selling medium without providing the information required contrary to regulation 24 or 26;
- (k) provides misleading information contrary to regulation 27;
- (l) obstructs or interferes with an enforcement authority in the exercise of the powers of that enforcement authority contrary to regulation 31;
- (m) fails to comply with the requirements for re-labelling contrary to regulation 36; or
- (n) violates a seizure order or notice contrary to regulation 38
- commits an offence and is liable on summary conviction to a fine of not less than one hundred and twenty-five penalty units and not more than

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two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

(2) A person who commits a second or subsequent offence under subregulation (1) after an earlier conviction under subregulation (1) is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than twelve months and not more than twenty-four months or to both.

(3) Where an offence is committed under these Regulations by a body corporate or by a member of a partnership or other firm, every director or officer of that body corporate or any member of the partnership or any other person concerned with the management of the firm shall be deemed to have committed that offence and is liable, on summary conviction, to a fine of not less than five hundred penalty units and not more than one thousand penalty units, and is in addition liable to the payment of compensation for the damage resulting from the breach.

(4) A person shall not be convicted of an offence under subregulation (3), if it is proved that

- (a) the person exercised due diligence to secure compliance with the provisions of these Regulations, and
- (b) the offence was committed without the knowledge, consent or connivance of that person.

Interpretation

44. In these Regulations, unless the context otherwise requires,

“accredited test laboratory” means a test laboratory that is recognised by the Standards Authority for laboratory testing and product certification;

“active mode” means the state in which a ventilating fan is carrying out useful work in response to a prior or concurrent

(a) user input; or

(b) instruction over the network;

“airborne acoustical noise emission” means the sound power level of a ventilating fan, expressed in dB(A);

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- “annual total energy consumption” means the electricity consumed by a product over specified periods of time across defined power modes and states;
- “Appliance Energy Efficiency Register” means an official record, kept and maintained by the Commission on energy efficiency information in respect of models of electrical appliances that have been certified by the Commission and Standards Authority for use in Ghana;
- “audio or audio-visual broadcasting service provider” means a person who provides a service which delivers radio programmes or programmes with hearing and sight components to persons with equipment appropriate for receiving that service, whether the delivery is effected by means of or uses the radio frequency spectrum, cable, optical fibre, satellite, internet radio via streaming media on the internet, or any other means or a combination of those means intended to reach a wide audience;
- “blade system and components” means a system composed of an enclosure into which different types of blade storage and servers are inserted;
- “circumvention device” means any control, control device, software, component or part that alters the operating characteristics of a ventilating fan during any test procedure, resulting in measurements that are unrepresentative of the true characteristics of the ventilating fan that may occur during normal use under comparable conditions;
- “container” means a receptacle or enclosure for holding a product for storage, packaging and shipping;
- “court” means a court of competent jurisdiction;
- “dealer” means a retailer or other person who displays, offers for sale or sells a ventilating fan to an end user;
- “DCV” means demand controlled ventilation;
- “distance selling” means the sale of goods or services without the buyer and seller being physically present simultaneously;
- “dwelling place” means place of residence;

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- “electric mains-operated ventilating fan” means a ventilating fan that operates on electricity supply from the grid of 230 ($\pm 10\%$) volts of alternating current at 50Hz;
- “electronic Product Information Sheet” means a document containing the following information in electronic format:
- (a) basic product information;
 - (b) energy label information; and
 - (c) special features and characteristics;
- “end user” means the first user of a ventilating fan;
- “endorsement labelling scheme” includes a voluntary labelling scheme that guarantees the performance standards of the ventilating fan, that are equal to or exceed the minimum threshold established by a recognised advisory body;
- “energy efficiency of a ventilating fan” means the ratio of the mechanical output power of the ventilating fan to the electrical active input power of the ventilating fan;
- “enforcement authority” means
- (a) an authorised officer of the Commission;
 - (b) an authorised officer of the Standards Authority;
 - (c) an authorised officer of the Customs Division of the Ghana Revenue Authority;
 - (d) an authorised officer of the Police Service; or
 - (e) any other authorised person designated by the Customs Division of the Ghana Revenue Authority, the Commission or the Standards Authority to carry out inspections for the purposes of these Regulations;
- “environmental labelling scheme” means a voluntary labelling scheme that provides detailed information on the environment in respect of the performance characteristics of a ventilating fan;
- “equivalent model” means a model which has the same technical characteristics relevant for the technical information to be provided, but which is placed on the market or put into

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service by the same manufacturer, importer or authorised representative as another model with a different model identifier;

“GS” means Ghana Standards;

“importer” means a person who places a ventilating fan from a foreign country on the Ghanaian market and supplies that ventilating fan for use;

“information or status display” means a continuous function providing information or indicating the status of the equipment on a display, including clocks;

“in-line multi-port ventilating fan” means a ventilating fan designed with multiple inlet or outlet ductwork;

“in-line single-port ventilating fan” means a ventilating fan designed without multiple inlet or outlet ductwork;

“in-line ventilating fan” means a ventilating fan designed to be located within the building structure and that requires ductwork on both inlet and outlet;

“label” means a material attached to a ventilating fan the inscription of which contains information on the energy consumption of the ventilating fan;

“maximum fan flow rate” means the air flow rate of the ventilating fan at its maximum setting (m^3/min), measured at the fan outlet with the oscillating mechanism, if applicable turned off;

“minimum energy performance standards” mean a set of procedures and regulations that prescribe the minimum allowable values of energy efficiency or energy performance of manufactured products;

“model identifier” means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trademark or the same name of the manufacturer, importer or authorised representative of the manufacturer;

“point of sale” means the place at which a retail transaction is carried out;

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- “premises” means land and any building, store, shop, apartment, or other structure on the land used for the storage of a ventilating fan;
- “product brochure” includes a pamphlet or booklet that contains introductory information about a product;
- “Product Information Sheet” means a standard table of information related to a ventilating fan;
- “Quick Response Code” means a matrix barcode included on the energy label of a product model that links to the information of the model in the public part of the product database;
- “range hood” means an appliance installed over a hob and through which air is passed to remove contaminants from the room;
- “rating plate” means a name plate that indicates the measurable performance capability of a ventilating fan;
- “rated voltage” means the voltage marked on a ventilating fan in volts;
- “record” includes a book, document, label, mark, symbol, inscription and information in non-documentary form;
- “sale” means the exchange of a product for consideration including hire purchase, credit sale and purchase by instalment;
- “Service Value” means the ratio of the air delivery volume flow rate to the input power measured at rated voltage in accordance with test methods and conditions, test procedures and calculations specified by the Standards in the First Schedule;
- “Standards” means quality specifications for ventilating fans as stipulated in the First Schedule;
- “Standards Authority” means the Standards Authority established under the Standards Authority Act, 1973 (N.R.C.D. 173);
- “supplier” means a person or organisation that provides a product and includes
- (a) a manufacturer or the authorised representative of a manufacturer resident in the country; and

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(b) an importer or the person who introduces a ventilating fan on the Ghanaian market;

“supply” includes an offer to supply, contract to supply and an advertisement for supply of a ventilating fan but excludes the exhibition at a trade fair of a ventilating fan that is prohibited by these Regulations;

“trade secret” means a secret device or technique used by a company in manufacturing a product of the company;

“ventilating fan” means an electricity-driven appliance including at least one impeller, one motor and a casing, and intended to replace indoor air by outdoor air in a building;

“wattage” means the power marked on a ventilating fan, in watts (W); and

“year” means the period from 1st January to 31st December.

Transitional provision

45. A person who, before the coming into force of these Regulations, has

(a) manufactured in the country; or

(b) imported into the country

a ventilating fan that does not comply with these Regulations, shall, within one year after the coming into force of these Regulations, sell, distribute, donate or otherwise dispose of that ventilating fan.

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SCHEDULES

FIRST SCHEDULE

STANDARDS

(regulations 1(a)(i), 3(1)(b)(i) and 44)

1. GS IEC 60665: 2018 A.C. ventilating fans and regulators for household and similar purposes – Methods for measuring performance
2. GS IEC 60335-2-80: 2015 Household and similar electrical appliances –Safety- Part 2-80: Particular requirements for fans
3. GS IEC 60704-2-7: Household and similar electrical appliances – Test code for determination of airborne acoustical noise – Part 2-7: Particular requirements for fans
4. GS ISO 5801: 2017 Fans – Performance testing using standardized airways
5. GS IEC 61591 + AMD1:2005 Household Rangehood – Methods for measuring performance

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SECOND SCHEDULE

MINIMUM ENERGY PERFORMANCE STANDARDS

(regulations 1(a)(i), 1(b), 3(1)(b)(ii), 4(1)(a) and (b)(i), 6, 8, 11(1)(e)(iv) and (vii), 11(2) and 13(4)(a))

PART ONE

(regulations 1(a)(i), 1(b), 3(1)(b)(ii), 4(1)(a), 6, 11(1)(e)(iv))

1. Efficiency Specifications

- (a) The efficiency level of a ventilating fan under these Regulations is defined in terms of the efficacy of the unit based on the parameter defined as the service value determined as a ratio of the air delivery volume flow rate to the input power measured at rated voltage in accordance with test methods and conditions, test procedures and calculations specified by the Standards in the First Schedule.

The service value of a ventilating fan is calculated using the formula

$$\text{Service Value (SV)} = Q_v / P_{\text{input}} \text{ (m}^3\text{/minute/W)}$$

Where

Q_v = Air delivery volume flow rate measured in (cubic meters per minute) in accordance with the Standard; and

P_{input} = Fan input power measured in Watts (W) during air delivery performance test with the fan being supplied at rated voltage in accordance with the Standard.

The test methods, procedures and conditions for measurements of the air delivery flow rate for the different types of ventilating fans, Types A, B, C and D, and the input power of the fan are as specified by the Standards.

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- (b) The efficiency performance of ventilating fans shall be in accordance with specification of the minimum energy performance standard based on the minimum level of efficacy or service value allowed for the ventilating fan at various working speeds controlled by a fitted regulator and classified by the type of fan application and determined in accordance with static pressure reference test measurements, procedures and calculations as specified in the standards.

2. Minimum Energy Performance Standards for Ventilating Fan

- (a) The service value for ventilating fans shall not be lower than the values specified for corresponding ranges of rated air delivery flow rates provided in Table 1 for different fan applications.

Table 1: Minimum Service Value and Minimum Air Delivery Rate

<i>Product Type</i>	<i>Range of Rated Air Delivery flow rate, Q_v (m^3 / min)</i>	<i>Minimum Service Value, SV ($m^3 / min / W$)</i>
Range hood ($P \leq 75W$)	No limitation	0.079
Bathroom and utility room fans	$0.283 \leq Q_v < 2.540$	0.079
	$2.54 \leq Q_v < 5.670$	0.099
	$5.670 \leq Q_v < 15.0$	0.113
In-Line (Single-Port and Multi-Port) Fans without filters	No limitation	0.108
In-Line (Single-Port and Multi-Port) Fans with filters	No limitation	0.102

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- (b) The sound level of a ventilating fan shall not exceed 38dB measured in accordance with test methods, test conditions and procedures specified by the appropriate standard in the First Schedule.

PART TWO

(regulations 8, 11(1)(e)(vii) and 11(2))

Measurements and calculations

(1) Calculations

Service value for the fan shall be calculated by using airflow measurement test results and fan motor electrical power values using the following formulae:

$$\text{Service Value (SV)} = Q_v / P_{\text{input}} \text{ (m}^3\text{/minute/W)} \dots\dots\dots(1)$$

$$Q_v = Q_m / P_{\text{ambient}} \dots\dots\dots(2)$$

Where

Q_m = is the mass flow rate determined from test measurements using multiple nozzles and calculations as specified in the Standards;

P_{ambient} = Ambient air pressure measured in Pascal; and

Q_v = Air delivery volume flow rate in cubic meters per minute determined from measurements and calculations from equation (2) in accordance with the Standards.

(2) Measurements

- (a) Measurements of air pressure, temperature, input power, voltage and physical dimensions of the ventilation fan shall be carried out when the measurements of air delivery are being carried out with the regulator of the ventilation fan set at a hundred per cent of full speed.

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- (b) The sound level of a ventilating fan shall not exceed 38dB measured in accordance with test methods, test conditions and procedures specified by the appropriate standard in the First Schedule.

PART TWO

(regulations 8, 11(1)(e)(vii) and 11(2))

Measurements and calculations

(1) Calculations

Service value for the fan shall be calculated by using airflow measurement test results and fan motor electrical power values using the following formulae:

$$\text{Service Value (SV)} = Q_v / P_{\text{input}} \text{ (m}^3\text{/minute/W)} \dots\dots\dots(1)$$

$$Q_v = Q_m / P_{\text{ambient}} \dots\dots\dots(2)$$

Where

Q_m = is the mass flow rate determined from test measurements using multiple nozzles and calculations as specified in the Standards;

P_{ambient} = Ambient air pressure measured in Pascal; and

Q_v = Air delivery volume flow rate in cubic meters per minute determined from measurements and calculations from equation (2) in accordance with the Standards.

(2) Measurements

- (a) Measurements of air pressure, temperature, input power, voltage and physical dimensions of the ventilation fan shall be carried out when the measurements of air delivery are being carried out with the regulator of the ventilation fan set at a hundred per cent of full speed.

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- (b) The ventilation fan motor electrical usage is the only energy consumption considered for the determination of service value in the calculation. Energy used for other ventilation fan auxiliaries such as lights, sensors, heaters etc. is not included in the determination of the ventilation fans service value.
- (c) Ventilation fans of the type that have regulators with up to three-speed shall be tested at all speeds and are required to meet the minimum energy performance standard service value requirements specified for the particular speed range.
- (d) Ventilation fans of the type that have regulators with more than three-speed points shall be tested at the minimum and maximum speeds and a speed half-way on the dial and shall meet the minimum energy performance standard service value requirements specified for the particular speed range.

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THIRD SCHEDULE

THE LABEL

(regulations 3(1)(b)(iii), 11(1)(a)(i), 11(1)(d)(i) and 16(4)(b))

1.

ENERGY <i>guide</i>	
MEPS FOR VENTILATING FAN (Service Value) SV=XXX (m³/min/W)	
Fan Type/(A,B,C,D)	XXX/X
Manufacturer/Supplier	XXX
Trademark/Logo	XXX
Rated Air Delivery Flow Rate	XXX (m³/min)
Rated Input Power	XXX (W)
Rated Voltage	XXX (V)
Noise Level	XX (dBA)
Country of Origin	Abc
Service Value (SV) of this model is: XXX (m³/min/W)	
<small>When tested in accordance with GSIEC 60665 61591 GSISO 5801 consumption will depend on how the appliance is used. Further information is contained in the Product Information Sheet. Removal of the label before First Purchase is an offence under the Law.</small>	

Figure 1: Label for Ventilating Fan

2. Notes to label for Ventilating Fan

The following notes define the information to be included on the label:

- (i) Quick Response Code;
- (ii) the type of ventilation fan ("XYZ" / "AC or DC");
- (iii) the name of the manufacturer;
- (iv) the name or trade mark of the supplier;
- (v) the country of origin;

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- (vi) the rated air delivery rate (marked “m³/minute”);
- (vii) the rated input power in watts (marked “W” or “watts”);
- (viii) the rated service value (marked “m³/minute/W”);
- (ix) the rated voltage (marked “V” or “volts”)*;
- (x) the frequency or range (if AC);
- (xi) the power factor; and
- (xii) the noise level (dB) rounded to the nearest integer.

Note *: Information should also be marked on the ventilating fan regulator

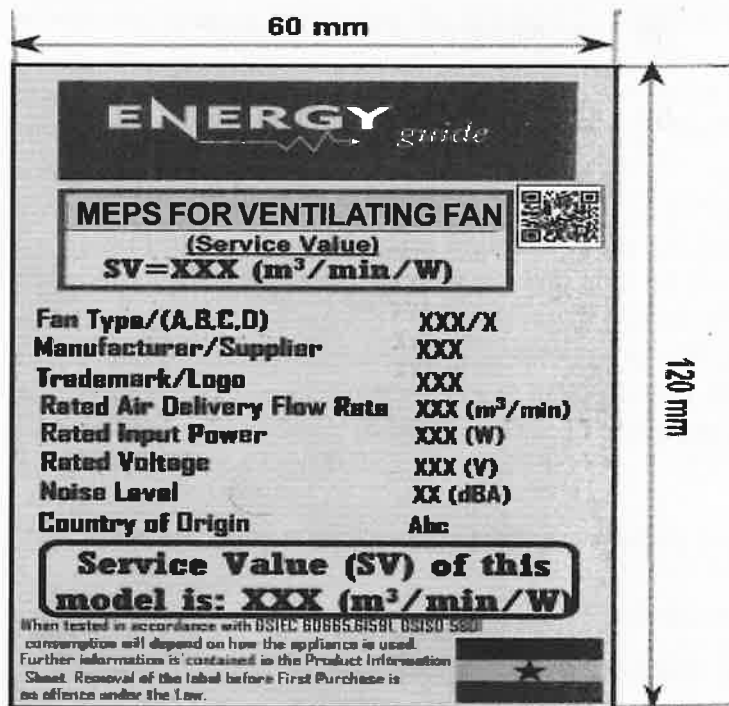


Figure 2: Label Dimensions

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3. Printing

- (1) Figure 2 defines aspects of the label.
- (2) The dimensions of the labels shall be in accordance with the illustration in Figure 2 and shall be placed on the side of the regulated appliance.
- (3) Colours are to be used on the label in accordance with the following:
 - (a) all text shall be in black or gold as illustrated;
 - (b) the background shall be gold; and
 - (c) the border line shall be in black.

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FOURTH SCHEDULE

PRODUCT INFORMATION SHEET

(regulations 3(1)(b)(iv), 3(2), 5, 10(2)(b) and (c), 11(1)(c), 16(4)(b), (c), (d) and (e), 18(1) and (2)(b), 22(b), 24(2)(c), 25(b)(iii), 26(2)(a))

PART ONE

(regulations 10(2)(b), 11(1)(c), 18(1) and (2)(b), 22(b))

The Product Information Sheet shall contain the information specified below. The information may be given in the form of a table covering a number of fans supplied by the same supplier, in which case it shall be given in the order specified, or given in the description of the fans.

- (a) name or trade mark of supplier;
- (b) model identifier of supplier;
- (c) declared typology in accordance with Table 1 of Part Two of this Schedule (unidirectional or bidirectional);
- (d) type or category of fan as provided in Part Two of this Schedule;
- (e) maximum delivery volume flow rate in m³/minute;
- (f) service value at rated voltage;
- (g) electric power input of the fan drive (in W), including any motor control equipment, at maximum flow rate (W);
- (h) type of regulator and number of running positions;
- (i) sound power level (dB), rounded to the nearest integer;
- (j) for unidirectional ventilating systems, instructions to install regulated supply or exhaust grilles in the façade for natural air supply or extraction;
- (k) internet address for pre-assembly or disassembly instructions;
- (l) for non-ducted units only: the airflow sensitivity to pressure variations at + 20 Pa and – 20 Pa;
- (m) for non-ducted units only: the indoor/outdoor air tightness in m³/h;

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- (n) user instructions including disposal if necessary; and
- (o) minimum air delivery rate, Power input rating, the minimum Service Value in $\text{m}^3/\text{minute}/\text{Watt}$ in accordance with the Standards. Actual service value will depend on how the appliance is used together with its accompanying ventilating fan regulator.

PART TWO

(regulation 5)

Types and Categories of Ventilating Fans

Table 1 shows the types and categories of ventilating fans that constitute the scope of these Regulations.

The measurements of air flow rate and pressure for ventilating fans are determined in accordance with the following measurement categories A-D as specified in the standards of the First Schedule:

- (a) Measurement category A – an arrangement where the ventilating fan is measured with free inlet and outlet conditions;
- (b) Measurement category B – an arrangement where the ventilating fan is measured with free inlet and with a duct fitted to its outlet;
- (c) Measurement category C – an arrangement where the ventilating fan is measured with a duct fitted to its inlet and with free outlet conditions; and
- (d) Measurement category D – an arrangement where the ventilating fan is measured with a duct fitted to its inlet and outlet.

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Table 1: Ventilating Fan Type/Category

Type	Category		Specify or tick (✓) as applicable
Measurement configuration	Ducted	Non-Ducted	
	Type B	Type A	
	Type C		
	Type D		
Operational features	Uni-directional		
	Bi-directional		
Product type by application/installation	Rangehood		
	Bathroom & utility room fan		
	In-line single/multi-port fan without filter in place		
	In-line single/multi-port fan without filter in place		
Ventilating control	Manual control (no DCV)		
	Clock control (no DCV)		
	Central demand		
	Local demand		
Motor & Drive (Regulator)	On/off (single speed)		
	2-speed		
	3-speed		
	Variable speed		

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PART THREE

(regulation 10(2)(c))

Technical Documentation

The technical documentation referred to in regulation 10 shall include the following elements:

- (a) the information as set out in Part One; and
- (b) the information as set out in Part Two.

PART FOUR

(regulation 24(2)(c))

Mail Order and Other Distance Selling

1. Mail order catalogues and other communication shall contain the following information, given in the order specified below:
 - (a) the rated speed – maximum air delivery flow rate (marked “m³/minute”);
 - (b) the rated input power in watts (marked “W” or “watts”);
 - (c) the rated maximum service value (marked “m³/minute/kW”);
 - (d) the rated sound power level (dB);
 - (e) the label of the ventilating fan as presented in the Third Schedule; and
 - (f) the information in Parts One and Two.
2. The size and font, in which all the information referred to in paragraph 1 is printed, shall be legible.

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PART FIVE

(regulations 3(2), 16(4)(c), (d) and (e), 25(b)(iii))

Information to be provided in audio advertisements, visual advertisements, in technical promotional material, in distance selling, except distance selling on the internet

1. In an audio advertisement, for the purposes of ensuring conformity with the requirements laid down in subregulation (2) of regulation 3, the service value measured at the rated air delivery flow rate of the model of the appliance being advertised shall be compared with the specified minimum energy performance standards, set out in Part One of the Second Schedule and shall be stated in the advertisement.
2. In a visual advertisement, for the purposes of ensuring conformity with the requirements laid down in subregulation (2) of regulation 3, the service value measured at the rated air delivery flow rate and the minimum energy performance standards of the model set out in Part One of the Second Schedule shall be made available on the label and be shown as set out in paragraph 5 of this Part.
3. In technical promotional material, for the purposes of ensuring conformity with the requirements laid down in subregulation (2) of regulation 3, the service value measured at the rated air delivery flow rate of the model and its minimum energy performance standards set out in Part One of the Second Schedule shall be made available on the label and be shown as set out in paragraph 5 of this Part.
4. Any paper-based distance selling shall show the energy performance characteristics of the model and the ranges of energy performance characteristics available on the label as set out in paragraph 5 of this Part.

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5. The service value measured at the rated air delivery flow rate and the minimum energy performance standards of the model shall be shown, as indicated in Figure 1, with
- an arrow, containing the service value measured at rated air delivery flow rate in hundred per cent white, Calibri Bold and in a font size at least equivalent to that of the price, when the price is shown;
 - the colour of the box shall be gold;
 - the minimum energy performance standards in hundred per cent black; and
 - the size shall be such that the box is clearly visible and legible.

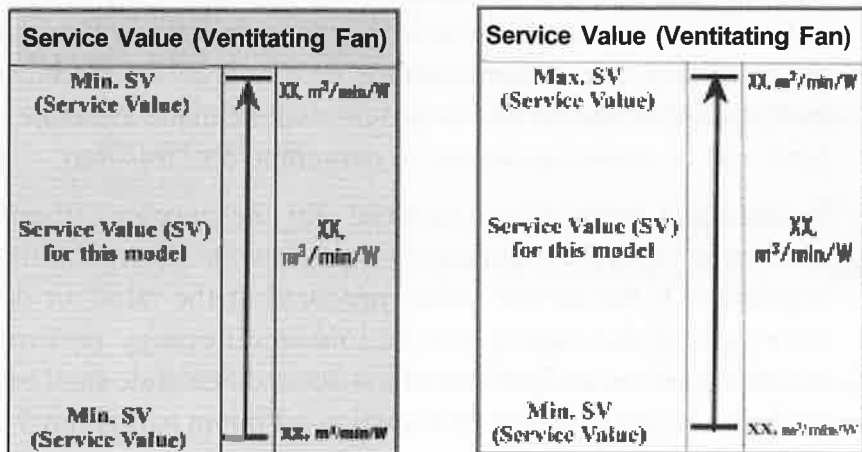


Figure 1: Coloured or monochrome minimum energy performance standards indicated for Ventilating Fans

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6. By way of derogation, if the visual advertisement, technical promotional material or paper-based distance selling is printed in monochrome, the box can be in monochrome in that visual advertisement, technical promotional material or paper-based distance selling.
7. Telemarketing-based distance selling shall specifically inform the customer of the Service Value measured at rated air delivery flow rate of the model and minimum energy performance standards listed in Part One of the Second Schedule on the label, and that the customer can access the full label and the Product Information Sheet through a free access website, public part of the Appliance Energy Efficiency Register of the Commission or by requesting a printed copy.
8. For all the situations mentioned in paragraph 2 to 4 and paragraph 7, it shall be possible for the customer to obtain, on request, a printed copy of the label and the Product Information Sheet.

PART SIX

(regulation 26(2)(a))

Information to be provided in the case of distance selling through the Internet

1. The appropriate label made available by suppliers in accordance with the Third Schedule shall be shown on the display mechanism in proximity to the price of the product.
2. The size shall be such that the label is clearly visible and legible and shall be proportionate to the size specified in the Third Schedule.
3. The label may be displayed using a nested display, in which case the image used for accessing the label shall comply with the specifications laid down in paragraph 5 of this Part.

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4. If nested display is applied, the label shall appear on the first mouse click, mouse roll-over or tactile screen expansion on the image.
5. The image used for accessing the label in the case of nested display, as indicated in Figure 2, shall
 - (a) indicate the service value measured at rated air delivery flow rate of the product in the box in hundred per cent black, Calibri Bold and in a font size equivalent to that of the price; and
 - (b) have the minimum energy performance standard in hundred per cent black.

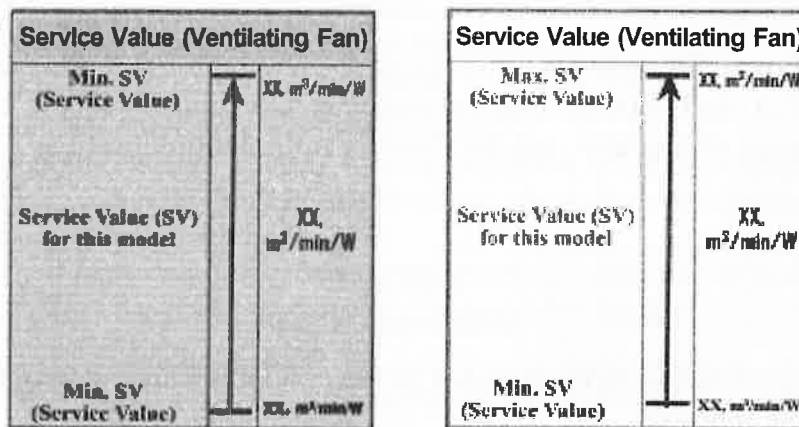


Figure 2: Coloured or monochrome minimum energy performance standard indicated for Ventilating Fan

6. In the case of a nested display, the sequence of display of the label shall be as follows:
 - (a) the image referred to in paragraph 5 of this Part shall be shown on the display mechanism in proximity to the price of the product;

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- (b) the image shall link to the label set out in the Third Schedule;
 - (c) the label shall be displayed after a mouse click, mouse roll-over or tactile screen expansion on the image;
 - (d) the label shall be displayed by pop up, new tab, new page or inset screen display;
 - (e) for magnification of the label on tactile screens, the device conventions for tactile magnification shall apply;
 - (f) the label shall cease to be displayed by means of a close option or other standard closing mechanism; and
 - (g) the alternative text for the graphic, to be displayed on failure to display the label, shall be the service value measured at the rated air delivery flow rate in a font size equivalent to that of the price.
7. The electronic Product Information Sheet made available by suppliers in accordance with subregulation (2) of regulation 26 shall be shown on the display mechanism in proximity to the price of the product. The size shall be such that the Product Information Sheet is clearly visible and legible. The Product Information Sheet may be displayed using a nested display or by referring to the product database, in which case the link used for accessing the Product Information Sheet shall clearly and legibly indicate 'Product Information Sheet'. If a nested display is used, the Product Information Sheet shall appear on the first mouse click, mouse roll-over or tactile screen expansion on the link.

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FIFTH SCHEDULE

VERIFICATION PROCEDURE FOR MARKET SURVEILLANCE
(regulation 33(2))

1. The verification tolerances set out in this Schedule relate only to the verification of the declared parameters by the Commission and the Standards Authority and shall not be used by the supplier as an allowed tolerance to establish the values in the technical documentation.
2. The values and classes on the label or in the Product Information Sheet shall not be more favourable for the supplier than the values reported in the technical documentation.
3. Where a model has been designed to be able to detect it is being tested by recognising the test conditions or test cycle, and to react specifically by automatically altering its performance during the test with the objective of reaching a more favourable level for any of the parameters specified in these Regulations or included in the technical documentation or included in any of the documentation provided, the model and all equivalent models shall be considered not compliant.
4. When verifying the compliance of a product model with the requirements laid down in these Regulations, the Commission and the Standards Authority shall apply the following procedure:
 - (a) the Commission and Standards Authority shall verify one single unit of the model;
 - (b) the model of the ventilating fan, shall be considered to comply with the provisions set out in Table 1 of the Second Schedule as applicable, to these Regulations, if the measured service value is not less than the declared value minus 0.05 %;

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- (c) the service value shall be established in accordance with the test procedures and methods in the Second Schedule in accordance with the standards of the First Schedule;
- (d) if the result referred to in paragraph (b) is not achieved, the Energy Commission and Standards Authority shall randomly select three additional units of the same model for testing;
- (e) the model of the ventilating fan shall be considered to comply with the provisions set out in Table 1 of the Second Schedule to these Regulations if the average of the three units for the service value is not less than the declared value minus 0.05%;
- (f) the service values shall be established in accordance with the Second Schedule; and
- (g) if the results referred to in paragraph (e) are not achieved, the model shall be considered not to comply with these Regulations.

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HON. DR. MATTHEW OPOKU PREMPEH
Minister responsible for Energy

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